

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2010 AUG 23 PM 3:03
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY

LEVITON MANUFACTURING CO.,
INC.

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v.

C.A. NO. EP-1-CV-00158 (KC)

JOSE ANTONIO RANGEL, EDUARDO
REZA, LUIS E. RIVAS AND
JESUS OCTAVIO REY VELO

JURY DEMANDED

**LEVITON MANUFACTURING CO., INC.'S ORIGINAL ANSWER
TO COUNTER-PLAINTIFFS' COUNTERCLAIM**

TO THE HONORABLE COURT:

LEVITON MANUFACTURING CO., INC. ("LEVITON"), Plaintiff and Counter-Defendant
in this matter, files the following Original Answer to the Counterclaim filed by Counter-Plaintiffs.

In support, LEVITON would show as follows:

1. LEVITON denies the allegations in paragraph 20 relating to the allegation that Counter-Plaintiffs worked for LEVITON'S Mexican subsidiary. LEVITON admits that Counter-Plaintiffs are United States citizens who reside in the State of California.
2. LEVITON admits receiving a copy of the Counter-Plaintiffs' Counterclaim which was served upon LEVITON'S attorney of record.
3. LEVITON denies the allegations contained in paragraph 22.
4. LEVITON denies the allegations contained in paragraph 23.
5. LEVITON denies the allegations contained in paragraph 24.
6. LEVITON denies the allegations contained in paragraph 25.
7. LEVITON denies the allegations contained in paragraph 26.

8. LEVITON hereby pleads privilege as an affirmative defense.
9. LEVITON hereby pleads truth as an affirmative defense.
10. LEVITON would show that the Counterclaim filed by RANGEL and RIVAS is frivolous and was filed in bad faith. Specifically, LEVITON would show that both RANGEL and RIVAS filed unemployment claims in California and made written representations that they were employees of LEVITON and not LEVITON'S Mexican affiliated company. A separate motion will be filed by LEVITON pursuant to and in accordance with FRCP 13.

WHEREFORE, PREMISES CONSIDERED, LEVITON MANUFACTURING COMPANY, INC., Plaintiff and Counter-Defendant, requests that Counter-Plaintiffs recover nothing by their suit, including any request for judgment and sanctions. LEVITON further requests any further relief to which it may show itself justly entitled to receive.

Respectfully submitted,

BURCK, LAPIDUS, JACKSON & CHASE, P.C.



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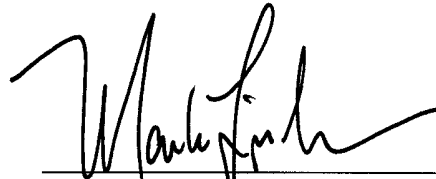
ATTORNEYS FOR DEFENDANT LEVITON
MANUFACTURING CO., INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all parties and/or attorneys of record, in accordance with the Texas Rules of Civil Procedure, on this 18 day of August, 2010.

Eduardo Miranda
2330 Montana Ave
El Paso, Texas 79903

Via Facsimile 915-351-7696



MARK R. LANDUS